

**FLOOD CONTROL ADVISORY BOARD
MINUTES
August 24, 2005**

Kent Cooper, Chairman called the meeting of the Flood Control Advisory Board (FCAB) to order at 2:00 p.m. on Wednesday, August 24, 2005.

Board Members Present: Kent Cooper, Chairman; Melvin Martin; Ray Acuna, Ex Officio: DeWayne Justice, Secretary; Hemant Patel; Paul Cherrington, Ex Officio.

Board Members Absent: Scott Ward, Vice-Chairman

Staff Members Present: Kevin Costello, County Attorney (for Julie Lemmon, General Counsel); Dick Perreault, CIP Manager; Linda Reinbold, Administrative Coordinator; Chuck Woosley, Contracts Branch Manager; Afshin Ahouraiyan, Project Manager; Emili Kolevski, P.E., Project Manager; Scott Vogel, P.E., Project Manager; Fritz Huber, P.E., Construction Management Branch Manager; Mike Towers, Construction Manager; Shewa Shivaswamy, Construction Manager; Kelli Sertich, Regional Area Planning Manager; and BJ Johnston, Clerk of the Flood Control Advisory Board.

Guests Present: Ed Fritz, MCDOT; Tom Larson, MCDOT; Tony Bokich, Aztec Engineering; Jeannette Fish, MCFB; Shane Dille, Town of Wickenburg; Lon McDermott, Town of Wickenburg; Lloyd Vick, EEC, Charles Griffith, EEC; Burton Charron, City of Peoria.

1) RECOGNITION OF THE EMPLOYEE OF THE QUARTER

ACTION: Tabled until September.

2) APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 22, 2005.

ACTION: It was moved by Mr. Justice and seconded by Mr. Patel to approve the minutes as submitted. The motion carried unanimously.

3) 83RD AVENUE/PINNACLE PEAK IGA FCD2005A008 WITH THE CITY OF PEORIA

Emili Kolevski, P.E., Project Manager, presented IGA FCD2005A008 which defines the responsibilities of the Flood Control District, the City of Peoria and MCDOT for the 83rd Avenue and Pinnacle Peak Road Drainage Improvements Project.

Martin: Didn't they talk about moving the retention basin off the corner of 83rd Ave and Pinnacle Peak?

Kolevski: Mr. Chairman, Mr. Martin, the 83rd Ave and Pinnacle Peak Basin has remained there. That property was purchased by the City of Peoria in advance about two years ago.

Martin: Yes, this has been before us previously. I couldn't understand how they could take a potential commercial corner and make a retention area out of it. I thought they were going to try to move it. Was there any discussion with the City of Peoria about that?

Kolevski: As far as I know there has never been a discussion about whether or not to keep this area as a basin. It has always been a part of this project.

Martin: Dick, is buying that land in this proposal?

Perreault: Mr. Chairman, Mr. Martin, I remember the discussion that we had. I'm not sure if you or if Mr. Ward raised the question about why we are using a commercial corner. At the time, I believe the City realized that they needed a basin in that area and this was a vacant parcel. The parcel to the south is not with in the City whereas the parcel to the north is. As a result the City acquired that parcel about two years ago.

Martin: So that is not included in the \$7.3 million?

Perreault: That is not included in the construction portion. It will be part of the agreement in that the City of Peoria will be given half credit for their expenditures for that basin toward the construction cost. You may remember that the basin that we are now showing on 87th Avenue is a new location; previously there had been a basin north of Calle Lejos. We found that this 10 acre site on 87th Avenue was available and it turns out to be a better site for a basin. So, that basin did get moved, more into the center of the subdivision as opposed to on a major street.

Martin: Ok, I just thought that when we left it they were going to try to move the basin on 83rd Ave. It's hard to believe that they are going to put a retention basin on a major corner.

ACTION: It was moved by Mr. Justice and seconded by Mr. Patel to approve the staff recommendations as submitted. The motion carried unanimously.

4) **WICKENBURG DOWNTOWN FLOODING HAZARD MITIGATION PROJECT, IGA FCD2005A012**

IGA FCD2005A012, for cost sharing and design of the Wickenburg Downtown Flooding Hazard Mitigation Project was presented by Scott Vogel, P.E., Project Manager.

Patel: How does our construction schedule match up with ADOT's schedule?

Vogel: We have been coordinating with ADOT to ensure that our project can get done in the same timeframe that they are comfortable with doing their project. ADOT's project would need to be pushed out 12 to 18 months in order for us to get our improvements in place.

Patel: ADOT is ok with that?

Vogel: Yes, they are.

Martin: Is the City ok with putting the road work off that long?

Dille: Thank you. Yes, we have been working very closely with county staff and ADOT to make sure that these two projects marry up. Both projects are very important to the Town and we see a unique opportunity to get them done and to really serve that benefit for our community. We are supportive of getting these two projects done at once.

Martin: Did you get flooding in this last heavy rain?

Dille: The Town did sustain some flood damage during the rains this last February. They weren't in this vicinity; they were on the other side of the Hassayampa, almost directly across from where Sols Wash enters into the river.

Before I get into my comments, I want to express my appreciation and say that I am really impressed with the work done by county staff. ADOT proposed a very tight timeline and it presented some problems and hurdles but Scott Vogel, Russ Miracle and others that have been working on this project, have really done an amazingly fantastic job in getting us to this point and proposing a plan that allows this project to marry up with ADOT.

I do have something that I would like to share with you before you move on with your motion. Members of the Board, I feel the Town is privileged to be at this particular juncture with the Flood Control District. I am please to be standing here before you representing the Town of Wickenburg on this very important project. I know that the relationship between the Town and the County in past years has been a strong one and we have partnered on many projects across a wide spectrum of disciplines. My hope and my determination is that this positive relationship, which has served our constituents well, will continue in the future.

I approach you now asking for your understanding of the Town's position and the critical need for this project at this time. I want you to know that I understand government; I understand policies and procedures; I understand the need we have to use those as guidelines to get us through these projects. Nevertheless, I am compelled to take a moment of your time to acquaint you with Wickenburg and our particular situation. The Town, like any other government, struggles on an annual basis in finding the funds to meet growing demands. I am sure the County is no different. However, as difficult as these normal years are, the floods of this past February has made it even more difficult for the Town to be a viable partner with the County according to your current adopted policies. When everything is said and done, regarding this flood in February, the Town will have spent \$2.4 million in emergency mitigation of the problems we had in that area. That includes bringing some of the area on the east side of the river out of the floodplain. I recognized the involvement of the State in this through the

Governor's declaration of emergency. The Department of Emergency Management has been a partner with us in this project. However, we have tried to encourage FEMA and have made appeals to them to become involved as well. They have a threshold of \$2 per capita to participate. Even after the State's match in this project, the Town's per capita, or cost, on this project is over \$90. Yet, all of our attempts to appeal to the State, our state representatives, the US Congress, FEMA have failed. FEMA has taken a position that they are not going to participate because Wickenburg is a jurisdiction within the Maricopa County boundaries and they base their decision on the population of the county not the population of the municipality. However, this particular flood event of this past February has really drained our contingencies, our rainy day fund, no pun intended, but that is the situation we are in.

Members of the Board, the Town's ability to cost share in this project is what it is. The Town is committed to this project and will, as our past efforts show, be proactive to participate and help keep the project cost down. An example of that is our willingness to work on the right-of-way acquisitions and talk to property owners to encourage them to become a partner in this project to keep some of the costs down. I ask the Board to support a motion that would cap the Town's cost share for this entire project to that amount designated in our 2003 application for this project which is \$250,000 over the span of five years to the Flood Control District plus whatever cost share amount from ADOT that the Town can negotiate. Currently we estimate that cost share to be between \$800,000 and \$1.2 million. Combined, this cost share would be between \$1.2 million and \$1.5 million. I appreciate the Advisory Board's consideration on this much needed project in the Town of Wickenburg and also our limited ability to participate. I would be happy to answer any questions you may have.

Cooper:

Let me give you a little bit more background on the situation. I had the opportunity last week to travel to Wickenburg. I had a chance to have lunch with Mr. Dille and be briefed on the situation. I think the concern the Town has is that they have a finite resource that they feel comfortable with as it relates to the estimates that have been available to date. Their concern is that as a community is that after going through the design phase and entering into the construction phase, that the percentage each contributor has to pay goes up substantially and they do not have the funds to complete their share. That is something that would be a real hardship on the Town.

I had a chance to see the flood damage that was done in February and the need for a couple of million dollars that hadn't been counted on being spent by the Town. So I am very sympathetic to what they are trying to do. They are trying to fix a maximum amount which is consistent with the resolutions as long as cost estimates don't creep out of site. I am very sympathetic with what they are trying to do but I am not sure how, policy wise, we can accomplish that. I know that over the years there have been situations where other communities, Guadalupe for example, have been strapped for funds and the Board has been more flexible in these situations. I don't know if \$175,000 that is requested in this particular item is something that you have in your budget. Do you or do you not?

- Dille:* This year we have budgeted to cover the front portion of our \$175,000. The IGA splits the cost in two parts, so we can cover the first and next year we can plan to cover the second. I think we are ok on \$175,000. This is just for the design portion however; my comments are more comprehensive in terms of the entire project and our hopes that you will understand our situation and hopefully be willing to extend some leniency or flexibility in how we move forward from this point.
- Cooper:* What is the total amount that Wickenburg can raise locally for design and construction of this project?
- Dille:* At this point we are fairly confident that we would be able to generate an amount somewhere between \$1.25 million and \$1.5 million for the project. I don't have a crystal ball so it's hard to say exactly how things will look but certainly if there are additional opportunities to contribute, we would. We feel pretty confident that this is the level at which we could participate at this time.
- Cooper:* Does that represent roughly 35% of the total cost? We are talking about the design portion, I don't know the total project cost.
- Vogel:* Mr. Chairman, Members of the Board, the total project cost is at this time anticipated to be between \$5.5 million and \$6 million. Through preliminary discussions with the Town regarding the overall costs, we understand that the Town may have the ability to gain certain in-kind contributions to projects such as right-of-way dedications; we have discussed putting off some of our typical landscaping and aesthetic type improvements as a future Town contribution to the project. So, we are working as much as we can with Town staff to try to minimize the up front cash contribution that they need to put into this project. Of course, that will come back later in the construction, operations and maintenance IGA.
- Cooper:* What is the District staff's view on the contribution percentage of the Town of Wickenburg for the total project?
- Vogel:* From the numbers that I have run the \$1.25 million to \$1.5 million that Mr. Dille is talking about would be an acceptable cash contribution given the overall construction cost as well as the right-of-way dedications, etc.
- Cooper:* And the fact that ADOT is also participating?
- Vogel:* That is correct. My understanding is that part of Mr. Dille's \$1.25 million to \$1.5 million would be a contribution from ADOT for eliminating the features in the Interim By-Pass project.
- Cooper:* I think what we are being presented with today is a real dilemma. If the costs go substantially beyond what is estimated and the Town can't participate, is it prudent to proceed with the project or not? It is something that is dearly needed. I think this is the first time I have encountered this kind of situation, perhaps some of the other Board Members may have some idea of how to deal with this. I think we should at least talk about the issues

associated with a small community and having finite resources available. What if the project comes in at \$6 million instead of \$5.5 million? I think what the Town is hoping for is that in the future we would be cognizant of their financial abilities and not over tax them beyond what they envision. Is that correct?

Dille: Yes, I appreciate that clarification.

Patel: I think one of the problems we will run into; I don't know if you can even tackle a cost limitation right now. What we are being asked to do is look at the design cost and we have a pretty good handle on that, that there isn't going to be any creep on those costs. I think the best thing to do is to move forward on that and to make sure that when we look at the authorization for the construction part that at that time we are prepared to limit the Town's exposure.

Martin: That topic is not on the agenda.

Patel: Between now and then, I think we need to have that discussion. Does this project fall into that category? Put it on the agenda and talk about it.

Cooper: I think, indirectly, it is open for discussion. If the Board said under no conditions would we allow a lesser contribution, the Town might say forget it, we are not going to take the risk. There is no sense designing it if we can't have an assurance that you will work with us in the future then don't spend the money on the design. So, I think this is germane for discussion.

Martin: I think the appropriate way for Wickenburg to do it, with help from the District, is like we did with Laveen retention area. We got all the landowners together and explained the benefits and a lot of them donated their property which would give the Town a credit toward the project. That worked real well. I've seen that a couple of times since I've been on the Board. You have to get all the landowners in one room and explain to them that you are taking a lot of land out of the floodplain and making it usable real estate that can be developed. The big question that I have, you mentioned the flooding on the east side, by doing what you're doing, the designed project, it seems to me that you are going to concentrate more water flow out into the Hassayampa and force more water over to the east side. Scott, have you considered protecting the east bank?

Vogel: Mr. Chairman, Mr. Martin, this project is really separate from the ADOT Interim By-Pass Highway levee project. ADOT does have a responsibility to show that the embankment they put in does not adversely impact the east side of the Hassayampa. That is something that the Town, as the floodplain manager, is reviewing and something that the District staff is helping to review also. To answer your question, no, the east bank of the Hassayampa is not being considered as part of this project. Our goal has been to contain Sols Wash and get it through the Interim By-Pass Highway. ADOT is responsible for mitigating the results from their project.

Martin: I understand that but the road is going to go on the west side and ADOT is not going to protect the east side. They are going to protect their road. Is anyone else picking up on this?

Cooper: I would say that is exactly where the Town just spent their \$2 million, beefing up the east side of the Hassayampa.

Martin: Is that where it was done?

Cooper: I believe Lon McDermott has a comment.

McDermott: Mr. Chairman, Mr. Martin, we have been working very closely with ADOT on the Interim By-Pass Highway project. At our most recent meeting with them, it was discussed, what impact their embankment going up the west bank would have on the east bank. They have a responsibility not to negatively affect the east side by building up the west side. If there is any negative impact, they are doing the modeling on that now; they will have to correct them outside of Sol's Wash.

Martin: But you have to understand what I am saying. There is going to more force because you are going to concentrate this water. It's not going to run over those islands any more, it's going to run down that ditch and you are going to put more water in one place.

Dille: Mr. Chairman, Mr. Martin, we did do work there. At the time we did not anticipate exactly what kind of work we were going to be doing in Sols Wash. Our work there was to recover from the flood that happened. When we did that, we took advantage of the opportunity and brought a levee through and around that would most certainly help in this instance. As to whether or not it fully mitigates Sols Wash coming in at the new rate and velocity, I can't answer that.

Martin: Scott, how far is this from the project that we approved south of the bridge?

Vogel: Are you referring to the Horspitality project?

Martin: The one property that we approved already.

Dille: It is about a mile.

Vogel: If I might, Mr. Chairman, I would like to address Mr. Martin's comment. He has a very good point. How can ADOT get into the floodplain and not adversely impact the river on the east side? Other staff at the District have been involved in the technical review of that issue. The information that I have received is that as part of ADOT's project, they will be putting in a new bridge over the Hassayampa River. The existing bridges, there are two built at different times, one will be removed. The other existing bridge will be raised approximately 2 feet to help eliminate the constriction due to the bridge and help mitigate the impact of putting that embankment on the west bank.

Acuna: I'm wrestling with whether I want to mention this. Having worked for a city, I see the situation that you are in. This is what we do for a living, this is our mission. This is not an unusual project. What we are wrestling with is cost share. I think we have talked about how difficult it is going to be for the cities in the future to meet the cost share. Cost share is good business. But we are getting to the point where good projects are running into the challenges of meeting this cost share criteria. There is no question in my mind that your citizens are counting on you to do something other than nothing. One of the things that we wrestle with, as I said, I wrestled with whether or not I was going to say this, is when we have a Flood Control District and a mission where there is an expectation on the part of the public that we are going to get further along and not let a cost share equation, in and of itself, stop us. Because these are the folks that get flooded, I don't think you're going to be able to sell that to them, that you didn't build this because of a cost share equation. Ultimately, we are going to need your support to continue our mission because this is typically what we do as an agency. So in a round about way, we are not going to resolve this today unless we take a look at cost share. Now I know the new Chief Engineer and General Manager, and I have run this by him. I said "Tim, I think this is going to be one of your biggest challenges." If we don't look at this and talk about it, it is probably going to be a tough discussion. We are probably going to be telling some of our customers "it's a good project, we can't help you". I don't think we are there yet. I don't think we have exhausted that discussion. I hope this project isn't dead. I think we need to look at the cost share equation. I don't think it is going to be resolved quickly. We have a new Chief Engineer and General Manager and I think he will have the opportunity to look at this from a new perspective. I will leave it at that.

Cherrington: I will just say that it won't be the first time that a municipality couldn't afford the cost share and had the project go forward. What they are proposing is more than some others have paid.

Cooper: I think Mr. Dille, for us to have a motion related to the overall project would be out of order today because the item is not on the agenda. I think the discussion is healthy and good and I feel confident that after hearing the comments of the rest of the Board, that as we get further along and if the costs come in much higher than what the estimates are, there would be a willingness to work with you in some fashion. What we need to know from you is whether you want us to go forward with the design or not under those conditions.

Dille: This IGA was presented to the Town Council at the last scheduled meeting. There was a lot of discussion. I got the general feeling that there was serious concern about the cost and how that was going to play out in the end. They are very aware of our financial situation right now. However, the vote at the table was to support the design and this project with everything we have and we are certainly ready to do that from the design stand point. There again, I think it comes back to the question "is it the best use of the public's money?" if we don't know how it is going to play out in the end. I think that it is. I appreciate your discussion and certainly when it comes time, I will be back to talk with you again and hopefully we can

resolve these issues. I had a funny experience earlier this week. We are in need of some engineering help on a project. For us, this is a pretty big project, the design costs are going to be around \$30,000. I called the county to see if there was a list that we could go by to expedite our selection of an engineer. The procurement manager asked how much the design cost was going to be, we told him about \$30,000. He said “you have to go out to bid on that? We have a group of staff that can make a decision on up to \$250,000.” That showed me that our level of thinking is a little bit different between jurisdictions and agencies. For a small community, and Maricopa County does have a few, these kinds of projects are very very big and very hard to meet on the cost share scale. I appreciate your time and I will certainly be back to speak with you again.

Cooper: Thank you very much Mr. Dille. I would just like to reiterate what was stated earlier. A recent flood event cost the town \$90 per capita on the part of the citizens of Wickenburg that was totally unpredicted. As a community, they have already paid a considerable amount from the council and citizen’s perspective, so I would just ask that in the future as this project goes forward that we are cognizant of the limitations that they may have and show a real effort in trying to work with them on this much needed project.

Justice: I think that we also need to consider the fact that this bypass that is going in and the use of this road is a major benefit to several thousand people and businesses in Maricopa County. What we are looking at here seems to improve the integrity of that project. This project is important to way more members of Maricopa County than just the citizens of Wickenburg.

Perreault: Mr. Chairman, Members of the Board, like Mr. Acuna, I am wrestling about whether I should say something or not. What your discussion has brought about is something that the staff has been facing for a long time when we negotiate IGA’s with our client cities when they present projects to us. As you know we have attempted over the last few years to clarify our cost share guidelines. They are not policies, they are guidelines. Our attempts in the past have not been real fruitful, but it is something that we face on almost every project. Some of the communities are in a much different position than the Town is and the negotiations go quicker and these types of issues don’t come up. We do have others where they do come up. I appreciate your comments and thoughts on this. One of the things I would suggest is that once we get the design going, possibly early next year at the mid point of the design, that we bring an item to you for discussion, presenting what the design is looking like, what the costs are looking like and maybe we can talk about this issue more. One of the things that we are very very sensitive to is setting precedents. We have 25 communities and a host of agencies that we cooperate with so we are sensitive to that.

ACTION: It was moved by Mr. Justice and seconded by Mr. Patel to approve the item as submitted. The motion carried unanimously.

4) WITTMANN AREA DRAINAGE MASTER STUDY UPDATE (ADMSU).

Kelli Sertich, AICP, Regional Area Planning Manager, provided an update on the Wittmann Area Drainage Master Study. The purpose of the Wittmann ADMSU is to identify the flooding problems, flooding sources, and flooding hazards in the Wittmann study area (Trilby Watershed) and to propose alternatives to mitigate the identified concerns as required by Arizona Revised Statutes Title 48, Chapter 21.

Martin: The houses that you are buying, were they built with a building permit?

Sertich: Yes. That is one of the requirements of the Floodprone Properties Acquisition Program.

Patel: I wanted to compliment the effort to identify immediate actions rather than to wait until the end of the study. It is good to see something happening. Good move.

Cooper: Thank you for your report. We will expect to hear back from you in 7 or 8 months.

ACTION: No action was taken.

6) CIP CONSTRUCTION STATUS

Construction updates on the following projects were provided.

Bethany Home Outfall Channel – Reach 2B

71st Street Storm Drain and Mescal Basin Improvements

Chandler Heights Basin – Phase 1

ACTION: No action was taken.

7) FISCAL YEAR 2004/2005 FLOOD CONTROL DISTRICT BUDGET RESULTS

Michael D. Alexander, Chief Financial Officer, provided the Board with the results of the Fiscal Year 2004/2005 Budget.

ACTION: No action was taken.

8) FISCAL YEAR 2005/2006 FLOOD CONTROL DISTRICT APPROVED BUDGET

Michael D. Alexander, Chief Financial Officer, provided the Board with details of the approved Fiscal Year 2005/2006 Budget

ACTION: No action was taken.

9) COMMENTS FROM THE CHIEF ENGINEER AND GENERAL MANAGER.

Perreault: Mr. Chairman, Members of the Board, in Mr. Phillips absence, I don't really have any comments although he did ask me to relay the fact that he has

accepted the position of Chief Engineer and General Manager and is happy to have it. I am sure that he will have more to say to the Board when he returns next month.

10) SUMMARY OF RECENT ACTIONS BY THE BOARD OF DIRECTORS

Martin: I noticed that the Board of Directors reduced their share on the Wickenburg project by \$415,000. (Reference: Recent Board of Directors agenda item to authorize a CIP budget adjustment.)

Perreault: Mr. Chairman, Mr. Martin, this was an item where we did a budget adjustment last year. We balanced the CIP. Unfortunately, when it was submitted we had a wrong number and didn't catch it internally before it was submitted. What you are noticing for that the Wickenburg correction is really just an accounting correction. If you have more questions, I'm sure Mike Alexander could answer them.

Martin: I enjoy having the minutes so I can see what they do after what we do.

Perreault: I totally agree because this shows a continuation of items that are brought before the Advisory Board. Sometimes there is a little bit of a lag but there is a follow up with the Board of Directors to get them approved.

Alexander: That was an administrative item. What it did was correct the +/- sign in front of one of the numbers. It did not change the project.

11) OTHER BUSINESS AND COMMENTS FROM THE PUBLIC

Patel: I have a request. With all the recent flooding and deaths in New River it would be nice to have a report on what the District's actions were during that time period.

Perreault: During the recent rains all of our crews were very busy. The internal staff was very busy particularly up in the fire damaged areas. Our hydrology staff was busy recalculating the run off factors and things of that nature. I will discuss this with the staff and see if we can't present something to you next month or the month after.

Patel: It's a bitter sweet thing because when things like this happen it puts what we do front and center. Sometimes I think that would be a good time to go asking for money. Also it shows how much more we need to do to keep people informed. Every time something like this happens, unfortunately, it ends up creeping into the national press.

Perreault: Mike Alexander mentioned the education program in his budget presentation. We still have people who think with their 4x4's they can still drive through flowing washes. I think the deaths up north were a different matter, a flash flood that came through with no warning. We definitely need to keep up the effort.

The meeting was adjourned at 4:00 pm